

**BEFORE THE DIRECTOR  
DEPARTMENT OF CONSUMER AFFAIRS  
BUREAU OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Filed Against:

CASE NO.: PT-2005-1906

**CHARLES EDWARD THOMAS**

1082 Reservoir Drive  
San Bernardino, CA 92407

**DEFAULT DECISION  
AND ORDER**

Psychiatric Technician License No. PT 11494

Respondent

Charles Edward Thomas ("Respondent") was served Accusation No. PT-2005-1906; Statement to Respondent; Notice of Defense form; copies of Government Code sections 11507.5, 11507.6 and 11507.7; and Request for Discovery by both first class and certified mail on August 21, 2008 at his address of record as provided in sections 11503 and 11505 of the Government Code of the State of California.

Respondent failed to file a Notice of Defense within the time specified in Government Code section 11506.

The Bureau of Vocational Nursing and Psychiatric Technicians ("Bureau") has determined that Respondent has waived his rights to a hearing to contest the merits of the Accusation and that the Bureau will take action on the Accusation without a hearing, pursuant to Government Code section 11520.

The Bureau makes the following findings of fact:

**FINDINGS OF FACT**

1. Teresa Bello-Jones, J.D., M.S.N., R.N., made and filed the Accusation solely in her capacity as the Bureau's Executive Officer.
2. On May 1, 1970, the Bureau issued Psychiatric Technician License No. PT 11494 to Respondent. Said license will expire on October 31, 2009, unless renewed.
3. Pursuant to Business and Professions Code sections 101.1(b) and 150, the Department of Consumer Affairs has succeeded to and is vested with all duties, powers, purposes, responsibilities and jurisdiction not otherwise repealed or made inoperative of the Bureau and its

1 executive officer; that the department is under the control of the Director of Consumer Affairs.

2 4. Pursuant to Business and Professions Code section 4520, the Bureau may  
3 discipline any licensed psychiatric technician for any reason provided in Article 3 of the Psychiatric  
4 Technician Law.

5 5. Pursuant to Business and Professions Code section 118(b), the expiration of a  
6 license shall not deprive the Bureau of jurisdiction to proceed with a disciplinary action during the  
7 period within which the license may be renewed, restored, reissued, or reinstated. Under Business  
8 and Professions Code section 4545, the Bureau may renew an expired license at any time within four  
9 (4) years after the expiration.

10 6. Respondent has subjected his license to discipline under Business and  
11 Professions Code sections 490 and 4521(f), as defined in California Code of Regulations, title 16,  
12 section 2578, in that Respondent was convicted of crimes substantially related to the qualifications,  
13 functions or duties of a licensed psychiatric technician in that his acts evidence his present or  
14 potential unfitness to perform the functions authorized by his license in a manner consistent with the  
15 public health, safety, or welfare, as described in Accusation No. PT-2005-1906, a copy of which is  
16 attached as Exhibit "1" and incorporated by reference.

17 7. Respondent has subjected his license to discipline under Business and  
18 Professions Code section 4521(a), in that Respondent committed acts of unprofessional conduct, as  
19 described in Accusation No. PT-2005-1906.

#### 20 **DETERMINATION OF ISSUES**

21 Based on the foregoing Findings of Fact, Respondent has subjected his license to  
22 discipline under Business and Professions Code sections 490, 4521(a), 4521(f), and California Code  
23 of Regulations, title 16, section 2578.

#### 24 **LOCATION OF RECORD**

25 The record on which this Default Decision is based is located at the Sacramento  
26 office of the Bureau of Vocational Nursing and Psychiatric Technicians.

#### 27 **ORDER**

28 **WHEREFORE**, the Bureau of Vocational Nursing and Psychiatric Technicians

1 makes the following order:

2                   Psychiatric Technician License No. PT 11494 authorizing Respondent to act as a  
3 psychiatric technician is hereby revoked.

4                   Respondent shall have the right to petition for reinstatement of the aforesaid license  
5 pursuant to the provision of section 4524(a)(1) of the Business and Professions Code.

6                   Respondent shall not be deprived of making any further showing by way of  
7 mitigation; however, such showing must be made directly to the Bureau of Vocational Nursing and  
8 Psychiatric Technicians, 2535 Capitol Oaks Drive, Suite 205, Sacramento, California, 95833 prior to  
9 the effective date of this Decision.

10                   This Default Decision shall become effective on February 1, 2009.

11                   Dated and signed December 12, 2008.

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15 PATRICIA HARRIS  
16 Deputy Director, Board/Bureau Support  
17 Department of Consumer Affairs  
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27 Attachments:   Exhibit "1", Accusation No. PT-2005-1906 and Declaration of Service  
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Exhibit "J"  
Accusation No. PT-2005-1906 and Declaration of Service

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of the State of California  
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7 Attorneys for Complainant

8  
9 **BEFORE THE**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **BUREAU OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**  
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. PT-2005-1906

14 **CHARLES EDWARD THOMAS**

1082 Reservoir Drive  
San Bernardino, CA 92407

**A C C U S A T I O N**

15 Psychiatric Technician License No. PT 11494

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

20 1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this  
21 Accusation solely in her official capacity as the Executive Officer of the Bureau of Vocational  
22 Nursing and Psychiatric Technicians, Department of Consumer Affairs (Bureau).

23 2. On or about May 1, 1970, the Bureau issued Psychiatric Technician  
24 License No. PT 11494 to Charles Edward Thomas (Respondent). The Psychiatric Technician  
25 License was in full force and effect at all times relevant to the charges brought herein and will  
26 expire on October 31, 2009, unless renewed.

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1           "(b) "License" includes certificate, registration or other means to engage in a  
2 business or profession regulated by this code."

3           8.       Section 490 provides, in pertinent part, that the Bureau may suspend or  
4 revoke a license when it finds that the licensee has been convicted of a crime substantially related  
5 to the qualifications, functions, or duties of a licensed psychiatric technician.

6           9.       Section 4520 provides, in pertinent part, that the Bureau may discipline any  
7 licensed psychiatric technician for any reason provided in Article 3 (commencing with section  
8 4520) of the Psychiatric Technicians Law (Code § 4500, et. seq.)

9           10.      Section 4521 states, in pertinent part:

10           "The board may suspend or revoke a license issued under this chapter [the  
11 Psychiatric Technicians Law (Bus. & Prof Code, 4500, et seq.)] for any of the following reasons:

12           "(a) Unprofessional conduct, which includes but is not limited to any of the  
13 following:

14           ....

15           "(f) Conviction of any offense substantially related to the qualifications,  
16 functions, and duties of a psychiatric technician, in which event the record of the conviction shall  
17 be conclusive evidence of the conviction. The board may inquire into the circumstances  
18 surrounding the commission of the crime in order to fix the degree of discipline. . . ."

#### 19                               REGULATORY PROVISIONS

20           11.      California Code of Regulations, title 16, section 2578 states, in pertinent  
21 part:

22           "For the purposes of denial, suspension, or revocation of a license pursuant to  
23 Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or  
24 act shall be considered to be substantially related to the qualifications, functions or duties of a  
25 licensed psychiatric technician if to a substantial degree it evidences present or potential  
26 unfitness of a licensed psychiatric technician to perform the functions authorized by his license in  
27 a manner consistent with the public health, safety, or welfare. . . ."

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1 **COST RECOVERY**

2 12. Section 125.3 provides, in pertinent part, that a Bureau may request the  
3 administrative law judge to direct a licensee found to have committed a violation or violations  
4 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
5 enforcement of the case.

6 **FIRST CAUSE FOR DISCIPLINE**

7 *(Conviction of Substantially Related Crimes)*

8 13. Respondent is subject to disciplinary action under Sections 490 and 4521,  
9 subdivision (f), as defined in California Code of Regulations, title 16, section 2578, in that on or  
10 about August 26, 2005, Respondent was convicted in three (3) criminal matters for crimes  
11 committed on or about May 4, 2000, on or about January 9, 2002, and on or about April 17,  
12 2003. The crimes are substantially related to the qualifications, functions or duties of a licensed  
13 psychiatric technician in that the acts evidence his present or potential unfitness to  
14 perform the functions authorized by his license in a manner consistent with the public health,  
15 safety, or welfare. The convictions are as follows:

16 a. Driving While License Suspended, Misdemeanor

17 Fail to Appear, Misdemeanor

18 On or about August 26, 2005, after pleading guilty, Respondent was  
19 convicted of two misdemeanor counts violating Vehicle Code sections 14601.1(a) [driving while  
20 license is suspended] and 40508(a) [fail to appear] in the criminal proceeding entitled *The People*  
21 *of the State of California v. Charles Edward Thomas* (Super. Ct. San Bernardino County, Central  
22 District, 2003, No. 26734RWCT). The Court ordered Respondent to serve two (2) days jail time.

23 b. The circumstances of the conviction are that on or about April 17, 2003,  
24 California Highway Patrol officers arrested, cited and released Respondent for driving a vehicle  
25 while his license was suspended. On or about May 20, 2003, after Respondent failed to appear  
26 as promised, the complaint was amended to allege failing to appear on written promise. An arrest  
27 warrant in the amount of \$35,000 was issued, and Respondent was declared a fugitive.

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1 c. Driving While License Suspended, Misdemeanor

2 Fail to Appear, Misdemeanor

3 On or about August 26, 2005, after pleading guilty, Respondent was  
4 convicted of two misdemeanor counts of violating Vehicle Code sections 14601.1(a) [driving  
5 while license is suspended] and 40508(a) [fail to appear] in the criminal proceeding entitled *The*  
6 *People of the State of California v. Charles Edward Thomas* (Super. Ct. San Bernardino County,  
7 Central District, 2002, No. 666569CT). The Court ordered Respondent to serve two (2) days jail  
8 time.

9 d. The circumstances of the conviction are that on or about January 9, 2002,  
10 San Bernardino Police Department officers arrested, cited and released Respondent for driving a  
11 vehicle while his license was suspended. On or about March 11, 2002, after Respondent failed to  
12 appear as promised, the complaint was amended to allege failing to appear on written promise.  
13 An arrest warrant in the amount of \$15,000 was issued, and Respondent was declared a fugitive.

14 e. Battery, Misdemeanor

15 False Imprisonment, Misdemeanor

16 On or about August 26, 2005, after pleading guilty, Respondent was  
17 convicted of two misdemeanor counts violating Penal Code sections 242 [battery] and section  
18 236 [false imprisonment] in the criminal proceeding entitled *The People of the State of*  
19 *California v. Charles Edward Thomas* (Super. Ct. San Bernardino County, Central District,  
20 2000, No. MSB052133). The Court ordered Respondent to serve two (2) days jail time.

21 f. The circumstances of the conviction are that on or about May 4, 2000, San  
22 Bernardino County Sheriff's Department officers responded to a "911" call from a child, a nine-  
23 year old female, who told dispatch operators that her stepfather was hurting her mom and her  
24 sister. The dispatch operator advised officers that they could hear several children in the  
25 background screaming and yelling. Respondent, upon hearing that the police were being called,  
26 ran out the front door of the house and fled in his vehicle. Subsequently, officers located  
27 Respondent, and he was arrested.

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1 SECOND CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct)

3 14. Respondent is subject to disciplinary action under Section 4521,  
4 subdivision (a), in that Respondent committed acts of unprofessional conduct. Complainant  
5 refers to and by this reference incorporates the allegations set forth in paragraphs 13,  
6 subdivisions (a) through (f), inclusive, above, as though set forth fully.

7 PRAYER

8 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
9 alleged, and that following the hearing, the Director of Consumer Affairs issue a decision:

- 10 1. Revoking or suspending Psychiatric Technician License No. PT 11494,  
11 issued to Respondent;
- 12 2. Ordering Respondent to pay the Bureau the reasonable costs of the  
13 investigation and enforcement of this case, pursuant to Business and Professions Code section  
14 125.3; and
- 15 3. Taking such other and further action as deemed necessary and proper.

16 DATED: August 21, 2008

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18 TERESA BELLO-JONES, J.D., M.S.N., R.N.  
19 Executive Officer  
20 Bureau of Vocational Nursing and Psychiatric Technicians  
21 Department of Consumer Affairs  
22 State of California

23 Complainant  
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27 LA2007602201

28 Revised accusation.wpc

7/7/2008; 7/9/08; 7/21/08dmm

7/22/08dax